

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICKEY BILLS,

Plaintiff,

Case No. 15-cv-11414
Hon. Matthew F. Leitman

v.

DANIEL HEYNS *et al*,

Defendants.

**ORDER DENYING AS MOOT (1) MOTION REQUESTING JURY TRIAL
(ECF #13) AND (2) MOTION TO AMEND FIRST COMPLAINT (ECF #14)
AND FURTHER EXTENDING TIME FOR PLAINTIFF TO FILE FIRST
AMENDED COMPLAINT**

Plaintiff Rickey Bills (“Bills”) is a Michigan state prisoner incarcerated at the Muskegon Correctional Facility in Muskegon, Michigan. On April 20, 2015, Bills filed a civil-rights action in this Court under 42 U.S.C. § 1983 (the “Complaint”). (*See* ECF #1.) On October 16, 2015, the Court ordered Bills to show cause in writing why it should not dismiss the Complaint for failure to state a cognizable claim against either of the two named Defendants in that pleading (the “Show Cause Order”). (*See* ECF #6.) Bills responded to the Show Cause Order by filing, among other things, (1) a motion requesting leave to file a First Amended Complaint (*see* ECF #8) and (2) a motion requesting a jury trial (*see* ECF #10).

Based on the new factual allegations Bills included in his filings, the Court vacated the Show Cause Order. (*See* ECF #11). The Court also issued a written order in which it held that “Bills should be entitled to amend his Complaint to include the factual allegations he included in his motion to amend.” (*See* ECF #12 at 3, Pg. ID 112.) The Court directed Bills to file his First Amended Complaint within 45 days and to include the “detailed and specific factual allegations against each individual he wishes to name as Defendant in this action.” (*Id.*) The Court also granted Bills’ motion for a jury trial. (*See id.* at 4, Pg. ID 113.)

On February 16, 2016, Bills filed two new motions: (1) a motion requesting leave to file a First Amended Complaint (*see* ECF #14) and (2) a motion requesting a jury trial (*see* ECF #13). It appears that Bills believes that he needs further permission from the Court to file his First Amended Complaint.

The Court wants to make clear to Bills that he has permission to file a First Amended Complaint. He shall do so by no later than **May 27, 2016**. As the Court previously ordered, the First Amended Complaint shall include detailed and specific factual allegations against each individual Bills wishes to name as Defendant in this action. Bills’ failure to file a First Amended Complaint by May 27, 2016, may result in the dismissal of this action.

Because the Court has already granted Bills the relief he seeks in both of his currently pending motions (ECF ## 13-14), the Court will **DENY** the motions as **MOOT**.

IT IS SO ORDERED.

Dated: April 21, 2016

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 21, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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